IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 913 of 2005

Between:

1 Gangisetti Srinivas, S/o Mallaiah,
R/o H.No. 1-129/3/16,
2 Miryala Dasharatha, S/o Mallaiah,
R/o H.No. 1-129/3/17,
3 Kundanpally Narsimha, S/o Balanarsaiah,
R/o H.No. 1-129/3/18,
4 Veshigari Raju, S/o Narsimha,
R/o H.No. 1-129/3/29, 30,
5 Malllula Laxmi, W/o Satyanarayana,
R/o H.No. 1-129/3/25,
6 Chanduram Subba Rao, S/o Venkateswara Rao,
R/o H.No. 1-129/3/31,32
7 Bhema Sathyamma, w/o Bikshapathi,
R/o H.No. 1-129/3/34,
8 Ponna Krupa, w/o Narsimha,
R/o H.No. 1-129/3/35,
9 Injati Prasad, S/o Venkata Narsimha,
R/o H.No. 1-129/3/38,
10 Parvathi Kondaiah, S/o Yadagiri,
R/o H.No. 1-129/3/37,
11 Bathula Indramma, w/o Rajaiah,
R/o H.No. 1-129/3/40,
12 Bathula Ramulamma, W/o Ramulu,
Plot No. 47,
13 M. Sugunamma, w/o Esak,
R/o H.No. 1-129/3/51,
14 Putta Suvarna, W/o Pandu,
R/o Plot No. 52,

15 Emzal Laxmi, W/o Eshthari,
R/o Plot No. 43.
16 Pamula David Raju, S/o Ananda Rao,
R/o H.No. 1-129/3/62,
17 Kondapack Narsamma, w/io Shankaraiah,
R/o H.No. 1-129/3/65,
18 Boppudi Buru Swami, S/o Anjaneyulu,
R/o H.No. 1-129/3/66,
19 P.L. Kishore, S/o Lingam,
R/o H.No. 1-129/3/67,
20 Miryala Narsimha, s/o Rajaiah,
R/o Plot No. 71.
21 Gangli Chandraiah, s/o Sayanna,
R/o H.No. 1-129/3/75,,
22 Uppari Andalamma, W/o Visvanadham,
R/o H.No. 1-129/3/88,89,
23 Basupal Sailaja, W/o Gopal,
R/o H.No. 1-129/3/95,
24 Kuncha Ravi Babu, S/o Munna Swamy,
R/o Plot No. 99,
25 Parki Vijaya Laxmi, W/o Shankar,
R/o Plot Nos. 104, 105
26 M. Mamtha, W/o Neelankhmar,
R/o Plot No. 107,
27 Palugula Ranga Reddy, S/o Bal Ranga Reddy,
R/o H.No. 1-129/3/115/116.
28 N. Kumari, W/o Srinivas,
R/o H.No. 1-129/3/124
29 Penna Satyanarayana, S/o Seetharamaiah,
R/o H.No. 1-129/3/126, 127
30 Sabina Begum, w/o M.d. Sabeer Miya,
R/o H.No. 1-129/3/131,
31 Avula Shamala, W/o Venkatesh,
R/o Plot No. 135, (All the petitioners are residents of Sri Siva Sai Nagar,
Kapra Village and Municipality, Ranga Reddy District).

..... PETITIONERS

AND

1. Government of Andhra Pradesh, Rep. by the Mandal Revenue

Officer, Keesara Mandal, Ranga Reddy District.
2 The Revenue Divisional Officer, Hyderabad West Division.
3 Dappu Pochaiah, s/o Danaiah.
4 Dappu Sathaiah, S/o Danaiah.
5 Dappu Sriramulu, s/o Danaiah,
(Respondents 3 to 5 are R/o Sri Siva Sai Nagar, Kapra Village and

Municipality, Ranga Reddy District).
6 T. Suseela, w/o Pedda Venkaiah,
H.No. 1-29/3/8, Sri Siva Sai Nagar, Kapra Village and Municipality,

Ranga Reddy District.

7 Dappu Pochaiah, S/o Ramaiah (died) and deleted as per orders dated 3-10-2002

8 Dappu Narsimha, S/o Late Pochaiah

9 Dappu Sriramulu, S/o Late Pochaiah

10 Dappu Krishna, S/o Late Pochaiah,

(Respondents 8 to 10 are residents of House No. 1-22, Gandhinagar, Kapra Village).

(Respondents 8 to 10 were added as per orders in I.A.No. 100/2003 dated 24-6-2003 as L.Rs. of deceased R-7).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly a Writ in the nature of Mandamus declaring the Judgment and Decree in L.G.C. No. 7/2002 dated 23-11-2004 passed by the Special Court under A.P. Land Grabbing (Prohibition) Act at Hyderabad as illegal, arbitrary and against the principles of natural justice as the same was filed by the 1st Respondent without adding necessary and proper parties to the proceedings and to set aside the Judgment and Decree in L.G.C. No. 7/2002 dated 23-11-2004 passed by the Special Court under A.P. Land Grabbing (Prohibition) Act at Hyderabad.

Counsel for the Petitioners:MR.S.SURENDER REDDY

Counsel for the Respondent Nos.1 and 2: GP for Assignments

Counsel for the Respondent Nos. 3 to 10: None

The Court made the following Order: (per Sri Devinder Gupta,CJ)

Petitioners have filed this writ petition questioning the legality and validity of the order passed on 23.11.2004 in L.G.C. No. 7 of 2002 by the Special Court under A.P. Land Grabbing (Prohibition) Act, Hyderabad.

The State of A.P. filed a petition under the provisions of the Act before the Land Grabbing Court stating that Respondents/petitioners therein have grabbed the land

to an extent of 3630 sq. yards without any legal entitlement. The State was the owner of the property and that the applicant schedule property was located within the Urban Agglomeration and also the Master Plan of Hyderabad Urban Development Authority and is situated within ten miles built area under G.O. Ms. No. 122, dated 29.6.1991. The respondents without any legal entitlement have grabbed the said land. The 1st respondent died and Respondents 34 to 36 herein were brought on record as the legal representatives of Respondent No.1. Therefore, declaration was sought to declare Respondents 2 to 33 as land grabbers with direction to them to deliver vacant possession of the applicant schedule property and to prosecute them. Petition was contested by Respondents 2 to 33.

The 3rd respondent in the said L.G.C. has filed his counter affidavit. Respondents 2 to 33 filed a memo before the Land Grabbing Court adopting the counter of the 3rd respondent. The 4th respondent also filed counter almost adopting the counter of the 3rd respondent. They alleged that Writ Petition No. 18986 of 1998 had been filed by them in this Court and this Court had directed the State Government not to interfere with their possession and enjoyment. Therefore, they alleged that they and their predecessor in title were in possession and were entitled to remain in possession and enjoyment of schedule property. They alleged that Kapra Municipality had laid roads and provided amenities and respondents were entitled for the benefit of G.O.Ms. No. 972, dated 4.12.1998. They have also applied and submitted an application to the Government for grant of pattas.

The State Government in order to prove its case has got examined the Mandal Revenue Officer, Keesara as P.W.1 and also got marked number of documents on its behalf. Respondents did not adduce any evidence at all. The Land Grabbing Court proceeded to hear the case on merits and concluded that the State Government is the owner and the land is an assigned land and that the respondents 2 to 33 have failed to prove their title to the schedule property and they have also not perfected their title by adverse possession.

Absolutely, there is no ground to interfere with such findings recorded by the Land Grabbing Court on the basis of the material placed before it.

Learned counsel for the petitioners submits that original patta holders were not impleaded by the State Government although a petition is filed before the Land

Grabbing Court and therefore they could not produce any evidence before it. In case, the said petition is ordered and the order of the land Grabbing Court is set aside and then remanded to the Land Grabbing Court, they will be in a position to adduce evidence. There is hardly any force in this submission.

We are of the view that full opportunity was allowed to the petitioners to contest the petition. They could have adduced evidence before the Land Grabbing Court. But, before the Land Grabbing Court, they did not seek any opportunity to lead evidence. It is also recorded in the order of the Land Grabbing Court that the petitioners have failed to adduce any evidence.

There is no substance in the writ petition. The writ petition is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 2nd February, 2005

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M. NARAYANA REDDY,J

Pnb

To

1. The Mandal Revenue Officer, Government of Andhra Pradesh,

Keesara Mandal, Ranga Reddy District.

2 The Revenue Divisional Officer, Hyderabad West Division.

3 Two CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT).

4 Two CD copies.